

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
**Katherine Cue-
Fuente**
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda February 27, 2018 7:00 P.M.

Call to order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Council Vice President Jose F. Caragol

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- The Planning and Zoning Official has advised that a motion to Table Item PZ 5 until March 13, 2018 is being requested.

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on February 13, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to utilize State of Florida Contract No. 425-001-12-1 *Office Furniture*, effective through March 2, 2020, and issue a purchase order to Compass Office Solutions LLC, to purchase new office furniture, in a total cumulative amount not to exceed \$49,471.90. (BUILDING DEPT.)
- C. Proposed resolution approving a relocation and reconstruction agreement with Clear Channel Outdoor, Inc., a Delaware corporation, a copy of which is attached hereto and made a part hereof in substantial form as Exhibit "1", and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the agreement. (ADMINISTRATION)
- D. Proposed resolution authorizing the placement of property insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois corporation, to insure City property, including, but not limited to, buildings, contents, property equipment, and vehicles, for an annual premium of \$604,448 commencing on March, 10, 2018 and expiring on March 10, 2019 through layered insurance coverage for a combined and total maximum loss limit of \$25 million against damages caused by natural disasters and \$25 million against damages caused by all other perils, and a 5% deductible for a named windstorm and hail storm, subject to a \$250,000.00 deductible per occurrence; placing required floor coverage on necessary properties in accordance with the National Flood Program at appropriate renewal periods; and providing for an effective date. (RISK MANAGEMENT DEPT.)
- E. Request approval to increase the expense amount approved by the City Council on October 24, 2017, Item V, for the professional services of Gabriel, Roeder, Smith &

Company, as actuary consultant to the City for the Retiree Health Care Program, commencing on October 1, 2017 and ending on September 30, 2018, by an additional amount of \$3,408, in a total cumulative amount not to exceed \$23,270. (OFFICE OF MANAGEMENT AND BUDGET.)

- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2018-583, issued to Work Injury Solutions of Dade County, Inc., to provide pre-employment examinations for new hires, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (HUMAN RESOURCES DEPT.)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Paldama Investment, Inc. d/b/a Island Fence of Dade, vendor providing the lowest quotation, for the installation of a new perimeter security chain link fence, gates and motors for the Police Administration Building, in the amount of \$84,275, and further request an additional amount of \$5,000 for permitting fees and any unforeseen site conditions that may arise, in a new total cumulative amount not to exceed \$89,275. (CONSTRUCTION AND MAINTENANCE DEPT.)
- H.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant to assess and report on the effectiveness of after-school and summer programming funded through the 21st Century Soaring Beyond Expectations Grant Young Leaders with Character (“YLC”) Steam Ahead from the Florida Department of Education, for a term of one year, commencing on August 1, 2017 and ending July 31, 2018, in an amount not to exceed \$6,412.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- I.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant to assess and report on the effectiveness of after-school and summer programing funded through the 21st Century Soaring Beyond Expectations Grant Young Leaders with Character (“YLC”) Academic Achievers Program from the Florida Department of Education, for a term of one year, commencing on August 1, 2017 and ending on July 31, 2018, in an amount not to exceed \$6,756.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Insight Public Sector, Inc., vendor providing the lowest quotation, to purchase twenty-eight (28) Panasonic CF-20 Toughbook computers, in a total cumulative amount not to exceed \$104,552, of which \$41,954 will be paid out of the funds from obtained from our Dade County EMS Grant. (FIRE DEPT.)

- K.** Request from JLPR located at 1549 SW 8th Street, Miami, Florida, 33135 for a street closure permit for the Leah Arts District 305 Day Block Party, to be held on Sunday, March 4, 2018, from 9:00 a.m. to 11:00 p.m., on East 15 Street from East 10th Avenue to East 11th Avenue, with the event hours being from 3:05 p.m. to 9:00 p.m., subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)
- L.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Services Agreement with Arts for Learning/Miami, Inc. to provide an Art-Based Enrichment Program to participants of the City of Hialeah's Education and Community Services Department After-School Young Leader with Character Steam Ahead (21st CCLC/SA) Program, together with supplies, for a term commencing on March 5, 2018 and ending on May 11, 2018, in an amount not to exceed \$5,046.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)

3. ADMINISTRATIVE ITEMS

- 3A.** Second reading and public hearing of proposed ordinance amending Chapter 22 entitled "Code Enforcement", of the Code of Ordinances of the City of Hialeah, and in particular, amending Article I, General Provisions, to provide for purpose and definitions; rescinding Article II, "Code Enforcement Board Procedures"; amending Article III, "Enforcement Procedures", Division 2. "Special Master" requiring bar membership as a qualification for appointment; clarifying terms of appointment, removal; and providing for powers; amending Division 3. "Civil Violation Enforcement Procedures", substituting the term citation for notice of civil violation; providing for a reasonable time in which to correct civil violations; providing for the content of the notice of civil violation; providing for a schedule of civil penalties for failure to correct, including continuing and repeat violations; creating appeal rights by administrative hearing and providing for a procedure to request and conduct the hearing; creating lien rights in the City for failure to comply with a special master order; providing for reduction of penalties; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (CODE ENFORCEMENT)

Item was approved by the City Council on first reading on February 13, 2018.

- 3B.** Second reading and public hearing of proposed ordinance amending Chapter 14 entitled "Buildings and Building Regulations", and in particular, adding a new section 14-9 entitled "Building Relief Program", providing for the purpose of the Building Relief Program; providing for definitions; providing for an application process and eligibility criteria; providing for enforcement procedures; and providing for fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (CODE ENFORCEMENT)

Item was approved by the City Council on first reading on February 13, 2018.

- 3C.** Second reading and public hearing of proposed ordinance creating a new Article VI, entitled "Special Assessments for Capital Improvements", in Chapter 86, Taxes and Fees, of the

Code of Ordinances of the City of Hialeah, Florida, relating to the funding of capital improvements through the imposition of special assessments; providing the procedure for the imposition of such special assessments; providing definitions; authorizing the imposition and collection of special assessments to fund the cost of capital improvements providing a special benefit to real property within the City; authorizing the creation of assessment areas; providing for the optional and mandatory prepayment of assessments; establishing procedures for notice and adoption of assessment rolls and for correction of errors and omissions; providing that assessments constitute a lien on assessed property upon adoption of the assessment rolls; establishing procedures and methods for collection of assessments, including assessments imposed on government property; authorizing the issuance of obligations secured by assessments; providing that such obligations will not create a general debt or obligation of the City; providing for severability; providing a savings clause; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

<i>Item was approved by the City Council on first reading on January 23, 2018.</i>
<i>Item was postponed until February 27, 2018 by the City Council on February 13, 2018.</i>

- 3D.** Proposed resolution relating to the construction and funding of roadway improvements; describing the proposed N.W. 142nd Street assessment area and the roadway improvements to be funded through imposition of special assessments imposed therein; estimating the cost of the roadway improvements; establishing the method of assessing the costs of the roadway improvements against real property that will be specially benefited thereby; directing preparation of preliminary assessment roll; establishing a public hearing to consider imposition of the assessments; directing the provision of notice in connection therewith; providing a severability clause; and providing an effective date. (ADMINISTRATION)
- 3E.** Proposed resolution electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the City; stating a need for such levy; providing for the mailing of this resolution; and providing for an effective date. (This public hearing is a necessary step to utilize the November 2018 Miami-Dade County tax bill to collect assessments imposed to defray the expenses of roadway improvements to the N.W. 142nd Street assessment area.
- 3F.** Proposed ordinance amending Ordinance No. 2018-43 releasing and abandoning the water line easement reserved to the City of Hialeah legally described and depicted on Exhibit “A” previously reserved upon the closing, vacating and abandoning for public use A 12-foot alley situated within block 35-B, amended plat of the amended plat of thirteenth addition to Hialeah, plat book 34, page 26, of the Miami-Dade County Public Records, lying between East 5 Avenue and East 6 Avenue and between East 25 Street and East 26 Street, Hialeah, Florida; repealing all ordinances or part of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.)

4. BOARD APPOINTMENTS

5. UNFINISHED BUSINESS

6. NEW BUSINESS

- a. Report to the City Council from the Deferred Compensation/Defined Contribution Retirement Plans on the 2017 accomplishments of the Deferred Compensation and Defined Contribution Plan Oversight Committee.

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance granting a Conditional Use permit (CUP) to allow the expansion of an existing school pursuant to Hialeah Code of Ordinances § 98-181; property zoned R-1 (One Family District); property located at 2590 West 76 Street, 7590 West 24 Avenue, and 2501 West 74 Street, Hialeah, Florida; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: City of Hialeah Education Academy, Inc., 501 Palm Avenue, Hialeah, FL 33010)

<i>Item was approved by the Planning & Zoning Board on January 24, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: City of Hialeah Educational Academy, Inc., 2590 West 76 St, 2501 West 74 St, 7400 West 24 Avenue, 7590 West 24 Avenue.</i>
<i>Item was approved on first reading by the City Council on February 13, 2018.</i>

PZ 2. Second reading and public hearing of proposed ordinance approving a final plat of Aquabella Section Two; accepting all dedications of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability

clause; and providing for an effective date. **Property bounded and directly adjacent thereto, on the north by a not subdivided portion of N.W. ¼ of Section 16-52S-40 E. and the South line of the N.W. ¼ of section 16-52S-40 and; on the South by West 104th Street, West 35th Lane, West 34th Terrace and West 104th Terrace, on the East by State Road #93/1-75 extension, and on the West by West 36th Avenue (a.k.a. N.W. 97th Street), Hialeah, Florida.**

<i>Item approved by the Planning and Zoning Board on January 24, 2018.</i>
<i>Item was approved on first reading by the City Council on February 13, 2018.</i>

PZ 3. First reading of proposed ordinance granting a variance permit to allow a residential use on the ground level, where only nonresidential uses are permitted, for construction of a duplex on a substandard lot with a frontage of 50 feet, where 75 feet are required (46% of 100%); an area of 6,750 feet, where 7,500 feet are required; a front setback of 6.5 feet, where 0 feet is required at the ground level; and allow 5 foot 1 inch east side setback, where 10 feet 1 inch are required; all contra to Hialeah Code of Ordinance §§ 98-348(a), 98-972(3)a., 98-976(1), (2)(b.) and (4). **Property located at 33 West 3rd Street, Hialeah, Florida.** Property zoned CBD (Central Business District). Repealing all ordinances in conflict herewith; providing penalties for a violation hereof; providing for a severability clause and providing for an effective date. (*Applicant: Excellent New Homes, LLC, 8806 NW 139 Terrace, Miami Lakes, Florida 33018*)

<i>Item was approved by the Planning and Zoning Board on February 14, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Excellent New Homes LLC, 8806 NW 139 Terrace, Miami Lakes, FL 33018.</i>

PZ 4. First reading of proposed ordinance granting a special use permit (SUP) to allow the expansion of the of the Neighborhood Business District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the development of the property with a 30 unit apartment building; and granting a variance permit to allow 80% of the units with less than 850 square feet, where 90% of the units are required to have a minimum area of 850 square feet; allow front and street side setback of 5 feet 8 inches, where 10 feet is the minimum required for the base of the building; allow 2 inches front and side setbacks for the middle and cap of the building, where 22 feet and 34 feet are the minimum required; allow 4 feet rear setback for the middle and cap of the building, where 22 feet and 28 feet are the minimum required; allow no pervious area, where 20% is the minimum required; and allow 43 parking spaces, where 68 parking spaces are required; contra to Hialeah Code §§ 98-1630.2, 98-2189(7) and (16)a, 981630.2, 981630.3(e)(1) and (e)(2) and 98-2197, and City of Hialeah Landscape Manual § (E) updated July 15, 2015. Property zoned CR (Commercial Residential). **Property located at 800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Ceasar Mestre, Esq., on behalf of 800 Palm Avenue, LLC*)

<i>Item was approved by the Planning and Zoning Board on February 14, 2018.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: 800 Palm Avenue LLC, 6100 Blue Lagoon Drive, #430. Miami, Florida 33126, Oscar A. Garcia, 6100 Blue Lagoon Drive, # 430, Miami, FL 33126, and Icer Palacio, 6100 Blue Lagoon Drive, # 430, Miami, FL 33126</i>

PZ 5. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 1981-71 (June 23, 1981), that allowed two living units in a single family house, property zoned R-1, and granting a request to rezone the property from R-1 (One Family District) to R-2 (One and Two Family Residential District) to allow the conversion of the existing two living units in the single family house into a duplex; and granting a variance permit to allow total lot coverage of 33.5% where 30% is required; and to allow an interior south side setback to 7.5 feet where 8 feet is required; contra to Hialeah Code of Ordinances §§ 98-546 and 98-205(b)(2). **Property located at 4451 East 8th Court, Hialeah, Florida;** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved subject to declaration of restrictive covenants by the Planning and Zoning on February 14, 2018.</i>
<i>Registered Lobbyist: Elisa Garcia, 5721 NW 194 Street, Miami Gardens, Florida, 33169.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Sara Chong, 4451 East 8 Court, Hialeah, FL 33013.</i>

NEXT CITY COUNCIL MEETING: Tuesday, March 13, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 22, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is

sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).